

Application No.: 10/561,862
Filing Date: December 20, 2005

REMARKS

The specification has been amended to add the trade names to Table-1 as instructed by the Examiner, and to correct clerical errors in Table 3 and in the paragraph beginning at page 13, line 8:

Claims 1, 2 and 7 have been amended by deleting N-methyl pyrrolidone (NMP). Claim 6 has been amended by replacing phrase “the above” to “an”. No new matter has been added. Applicant respectfully requests entry of the amendments and reconsideration of the present application in view of the amendments and following remarks.

Specification objection

The specification has been objected because of the informalities. The specification has been amended as instructed by the Examiner, and to correct clerical errors. Applicant respectfully requests withdrawal of the objections.

Claim Rejection - 35 USC § 112

Claim 6 has been rejected under 35 U.S.C. §112, second paragraph, with regard to “the above”. The phrase has been amended to “an”, thereby obviating this rejection.

Claim Rejection – 35 USC § 103

Claims 1 and 3-6 have been rejected under 35 U.S.C. §103(a) as being unpatentable over US 5,786,400 to Brock et al. in view of US 6,313,060 to Sugiyama et al. and US 6,372,811 to Singh et al. Claims 1 and 2 are independent and have been amended to clarify the subject matter.

First, the Office action states “Singh et al. do teach a compatibilizer, such as 1-methyl-2-pyrrolidione, may be used when preparing the rigid polyurethane foam”. However, Singh et al. do not suggest the use of compatibilizer, and thus, upon deleting “N-methyl pyrrolidone (NMP)” from the claims, Singh et al. cannot provide any reason or motivation to use the other compatibilizers now recited in the claim specifically in combination with 1,1,1,3,3-pentafluoropropane (HFC-245fa). No references of record teach or suggest the specific combination.

Application No.: 10/561,862
Filing Date: December 20, 2005

Further, no references of record teach or disclose the specific weight ratio ranges of HFC-245fa/HFC-365mfc \geq 60/40 and (HFC-245fa/HFC-365mfc)/(compatibilizer) = 95/5 to 60/40, which would not be able to obtain by combining the references. These elements bring excellent effects of improving uniformity of cells of the foam, suppressing so-called cell roughness, and improving adhesion with the surface material (Page 4, Lines 24-26, Table 2,3, and 4). These surprising effects are evidence of nonobviousness of the specific weight ratio ranges. Thus, Claim 1 provides distinct features that produce unexpected results as described above. No references teach or suggest the above in a predictable manner. Therefore Claim1 and the dependent claims 3, 4, 5, and 6, as amended in herein, could not be rejected on this ground. Applicant respectfully requests withdrawal of this rejection.

Claim 2 has been rejected under 35 U.S.C §103(a) as being unpatentable over US 5,786,400 to Brock et al. in view of US 6,313,060 to Sugiyama et al. and US 6,372,811 to Singh et al. Claim 2 has been rejected on the same ground as Claim1. Claim 2 has been amended in the same manner as in Claim1, and this method provides not only the results stated in above paragraph but also an economical benefit such as the same manufacturing apparatus as in case of using HCFC-141b as a blowing agent without drastically modifying the apparatus so as to perform a severe fire prevention countermeasure could be used. (Page 5, Line 18-22). Therefore Claim 2 as amended in herein could not be rejected on this ground. Applicant respectfully requests withdrawal of this rejection.

Claims 7 – 13 and 15 have been rejected under 35 U.S.C §103(a) as being unpatentable over US 5,786,400 to Brock et al. in view of US 6,313,060 to Sugiyama et al. and US 6,372,811 to Singh et al. Claim 7 is independent and has been rejected on the same ground as Claim1. Claim 7 has been amended in the same manner as in Claim1. Therefore, at least for the same reasons as in claim 1, Claim 7 and the dependent claims 13 and 15, as amended in herein could not be rejected on this ground. Applicant respectfully requests withdrawal of this rejection.

Claim 14 has been rejected under 35 U.S.C §103(a) as being unpatentable over US 5,786,400 to Brock et al. in view of US 6,313,060 to Sugiyama et al. and US 6,372,811 to Singh

Application No.: 10/561,862
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et al. Claim14 is dependent upon Claim13. Therefore Claim14 could not be rejected on this ground. Applicant respectfully requests withdrawal of this rejection.

CONCLUSION

In the light of the Applicant's amendments to the claims and the following Remarks, it is respectfully submitted that the present allocation is in condition for allowance. Should the Examiner have any remaining concerns which might prevent the prompt allowance of the application, the Examiner is respectfully invited to contact the undersigned at the telephone number appearing below.

Please charge any fees, including any fees for extension of time to Deposit Account No. 11-1410.

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

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By: 

Katsuhiro Arai
Registration No. 43,315
Attorney of Record
Customer No. 20995
(949) 760-0404

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